

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Pamela Ann Vogel, Trustee
DOCKET NO.: 04-00796.001-R-1
PARCEL NO.: 09-15-475-002

The parties of record before the Property Tax Appeal Board are Pamela Ann Vogel, Trustee, the appellant, by attorney Rodney D. Cavitt of the Law Offices of Rodney D. Cavitt, Streamwood, Illinois; and the Kane County Board of Review.

The subject property consists of a 4,943 square foot single family brick and frame two-story residence constructed in 1988. Features of the home include four full baths with one half-bath, a partial unfinished basement with a crawl space, central air conditioning, three fireplaces and a three-car attached garage.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property with an effective date of October 4, 2004. The appraiser used the cost and sales comparison approaches in estimating a value for the subject of \$890,000.

In the cost approach, the appraiser determined a land value of \$300,000 based on similar sales in the subject's area. The appraiser consulted the Marshall & Swift Cost Manual in estimating a reproduction cost new of the improvements of \$689,720. Depreciation of \$129,432 was subtracted from this figure, leaving a depreciated value of the improvements of \$560,288, to which site improvements of \$40,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$900,300.

In the sales comparison approach, the appraiser examined three comparable properties. The comparables consist of two-story style brick or brick and frame dwellings that were built between 1990 and 1992 and range in size from 4,118 to 5,205 square feet of living area. Features of the comparables include central air-

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Kane County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	60,007
IMPR.:	\$	242,449
TOTAL:	\$	302,456

Subject only to the State multiplier as applicable.

PTAB/EEB/08-07/2004-00796

conditioning, at least three fireplaces, at least three-car garages and full walk-out finished basements. The comparables sold in June or July of 2004 for prices ranging from \$903,000 to \$1,062,500 or from \$204.13 to \$219.39 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site, view, size, design, construction quality, living area, basement finish and garage size. After making these adjustments, the comparables had adjusted sales prices ranging from \$861,700 to \$891,000 or from \$171.18 to \$209.25 per square foot of living area including land. The appraiser concluded a value for the subject by the sales comparison approach of \$890,000.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach because "it reflects the attitude of typical buyers and seller for this market." Based on this evidence, the appellant requested a reduction in the subject's assessment.

During cross examination the board of review questioned counsel on the number of rooms listed for the subject in the appraisal; the purpose of the appraisal; and the significant \$75,000 view adjustment. In addition, the board of review noted the appellant's comparable number three sold for \$925,000, which is different than as stated in the appraisal. The appraiser was not present to provide direct testimony or subject to cross examination.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$302,456 was disclosed. The subject has an estimated market value of \$908,549 or \$183.81 per square foot of living area including land, as reflected by its assessment and Kane County's 2004 three-year median level of assessments of 33.29%.

In support of the subject's estimated market value, the board of review submitted a summary argument letter, aerial photographs and a grid analysis of 32 comparables. Only 13 of the 32 comparables have sales information presented to challenge the appellant's market value argument. The 13 sales comparables consist of brick or frame and brick dwellings that were built between 1988 and 1992 and range in size from 3,523 to 5,749 square feet of living area. Features of these comparables include central air-conditioning, at least two fireplaces, at least a three-car garage and full basements with eight basements having a walk-out. The comparables sold between February 2000 and July 2004 for prices ranging from \$753,500 to \$1,450,000 or from \$122.84 to \$268.80 per square foot of living area including land.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject property's assessment is not warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has not overcome this burden.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$890,000 as of October 4, 2004. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusions, therefore, the Board will only consider the raw sales data contained within the appraisal report. The Board gave no weight to the assessment comparables submitted by the board of review because they do not sufficiently address the appellant's market value argument. The board of review also submitted thirteen comparable sales that sold for prices ranging from \$122.84 to \$268.80 per square foot of living area including land.

The appellant's raw sales data depicts three comparable sales that sold for prices ranging from \$204.13 to \$224.62 per square foot of living area including land. The Board gave less weight to the board of review's sales comparables 3, 4, 6, 14, 18 and 27 because the sizes of these properties are significantly different than the subject and/or the date of sale is too remote to challenge the appellant's market value claim. The Board finds the remaining comparables to be the best evidence of the subject's estimated market value. These comparables sold for prices ranging from \$204.13 to \$252.22 per square foot of living area including land. The subject has an estimated market value of \$908,549 or \$183.81 per square foot of living area including land, as reflected by its assessment. The subject's estimated market value on a per square foot basis is less than the most similar sales comparables contained in this record.

In conclusion, the Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction is not warranted.

This is a final administrative decision of the Property Tax Appeal Board are subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 28, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.